

## MINUTES

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1. The meeting was called to Order with Roll Call by Vice-Chairman Bob Garrett as Chairman Hemphill is out of town.

2. Roll Call:	Manson	Present	McPherson	Present
	Garrett	Present	Shultz	Absent
	Hemphill	Absent	Fisher	Present
	Lane	Present		

3. General Business:

A. Approve Planning Commission Agenda.

Motion by Commissioner McPherson to approve the Agenda; second by Lane.

All Commissioners approved by "ayes."

Motion carried.

B. Approve Minutes of the Planning Commission meeting held on September 25th, 2018.

Motion by Commissioner Lane to approve the Minutes; second by Fisher.

All Commissioners approved by "ayes."

Motion carried.

C. Disclosure of conflicts of interest. Commissioner Fisher said his property is near the Arcadian Estates property. Administrator Brungardt said this would not affect his voting on matters pertaining to this subdivision.

D. Disclosure of outside communications regarding Commission business. Commissioner McPherson said he has heard comments from a couple of people concerning the electronic sign. He did not discuss the matter since he was not at the last meeting.

4. **Call to Public:**

Members of the public who wish to address the Planning Commission regarding items not on the agenda may do so at this time. Any presentation is for information purposes only. No action will be taken. There is a four-minute time limit.

No one appeared.

**5. Public Hearing:** N/A

**6. Old Business:**

- A. Discuss Text Amendment allowing for Digital Highway Monument Signs. Administrator Brungardt said the meeting is being video streamed so be mindful of that when speaking into the microphones.

Administrator Brungardt commented on the history of the electronic message board signs. Previously the discussion was centered around a pole-mounted electronic message sign. He commented on the current sign changes as being a digital highway video sign that would be conditioned with a special use permit and issued on a case-by-case basis. He said the City cannot control the message content on a message board because of the First Amendment rights. The red-lined version tonight is based on previous discussions concerning the regulations that would need to be changed.

Administrator Brungardt reviewed the proposed red-line changes as provided in the Staff Report dated October 23, 2018. He commented on the definition of a 'Digital Highway Advertising (DHA) sign and the definition of the "K-10 DHA Sign Overlay District. He also commented on the setback restrictions and the location of the sign. Administrator Brungardt discussed the sign structure and the building materials standards as stated on pages 3 and 4 of the proposed amendments.

On page 6 of the proposed amendments, Administrator Brungardt commented on the size and height for the sign. The total area of any DHA sign may not exceed twice that of the EVMB messaging area. He stated the Line of Sight Analysis must be accompanied by a line of sight analysis identifying how the proposed DHA will impact the visibility of any existing signage from the highway.

Commissioner McPherson said the City doesn't have any input on what the sign says. Some of the comments he has heard have been this sign would be advertising for other businesses that are not located in our town. Discussion ensued between Administrator Brungardt and Commissioner McPherson on the Supreme Court ruling. The City can't ask what the sign is going to say. Commissioner McPherson asked if the City could require under the special use permit that the electronic sign couldn't advertise out of town businesses. Commissioner Manson asked if that would have to apply to all other signs within the City. Administrator Brungardt will talk with City Attorney Reavey.

Commissioner Lane said at the last meeting she mentioned the City does need some type of advertising, but she has heard comments from the public that 'we don't want to look like Silver Dollar City with signs along K-10'. She is having second thoughts. She would like to see an entry sign into the City, but not necessarily an electronic message board. Commissioner Fisher said he would like to see a City of De Soto entrance sign. Commissioner Manson said from the standpoint of offering someone the right to submit an application he doesn't have a concern; however, he understands the concerns.

Administrator Brungardt commented on the next steps and how the public hearing will be the next step.

Councilman Rob Daniels came to the podium and addressed the questions. Commissioner McPherson asked what the proposed sign would cost. Councilman Daniels said this sign would cost around One Million Dollars. He also commented on page 5, paragraph 4c concerning the applicant can partner with the city and other local organizations for use of the DHA to benefit the community. Councilman Daniels said he has talked with Mr. Travis Hicks about the local businesses being able to afford the advertising on the message board. He said there are things that could be addressed for the benefit of Chamber business members.

Discussion ensued between Councilman Daniels, Commissioner Lane and Commissioner McPherson concerning the local content. Commissioner Garrett asked if Mr. Hicks had given any indication of what the cost would be for a local business to advertise. Commissioners said they didn't feel the local businesses could afford to advertise on this sign.

Commissioner Garrett said he didn't want the City's logo on a monument sign that is being used to advertise for businesses outside of De Soto. Commissioners Lane and McPherson agreed. Commissioner Garrett said he would like to see an entry sign for De Soto similar to what Eudora has. He is also concerned about highway distraction with an electronic message board. Commissioner Garrett said the Fire Department runs a lot of calls on highway distraction. Councilman Daniels said he doesn't have a lot of information on this, but there are these types of signs all around the KC Metro area. Commissioner Garrett said this would be the only sign like this on the K-10 corridor. Discussion ensued between Councilman Daniels and Commissioner Garrett on getting exposure for De Soto events.

Commissioner Lane asked if this is an avenue we want to go down. Commissioner Manson and Administrator Brungardt discussed the public hearing procedure to hear input from the public. The Council has requested the Planning Commission to review this new sign proposal. If the Commissioners are comfortable on the language, then the public hearing will be advertised for public input, then the Commissioners can make their recommendation to the Council.

Commissioner Garrett asked what happens if the owner of the sign decides to sell the sign in a year or two if it isn't making a profit. Administrator Brungardt said this could be a condition stated in the special use permit process. Commissioner Garrett asked if there could be language inserted in the sign regulations proposed. Administrator Brungardt said this could be a condition of the special use permit on each application.

Discussion ensued about the sign location and the 4,000 feet between signs. Commissioner McPherson said one of these electronic signs could be placed on the opposite side of the highway. Commissioner McPherson asked how long the special use permit will be issued for. Discussion ensued between Administrator Brungardt and

Commissioners on the length of term, and a 'trigger' date process for review of the special use permit. Commissioner McPherson said we don't want to give a lengthy term in case this type of sign becomes more of a detriment to the City rather than a positive. Discussion continued on what would happen if the sign doesn't work out. Who takes over the sign and the maintenance on it?

Commissioner Garrett asked who is going to be paying for this sign. Administrator Brungardt said the discussion has been for a concept sign just for the electronic sign, and then another cost estimate for the City's logo to be placed on this particular sign.

Commissioners had no further comments. Staff will advertise this matter for a public hearing at the November 27<sup>th</sup> meeting.

## **7. New Business:**

- A. Preliminary Plat for Arcadian Estates. Planner Weisenburger gave some history on this matter and said it has been going back and forth in discussion since July. He stated the updated preliminary plat was received the morning of October 19<sup>th</sup>, 2018. Staff has not had time to fully respond to the submittal and make a meaningful recommendation to the Planning Commission. He provided a layout of the subdivision for any comments the Commissioners may have at this time. Staff recommends the Planning Commission table this matter until the November meeting. The applicant turned in a drainage study which has been returned to the applicant for further work. Planner Weisenburger said there are some items needing further review. He asked the people in attendance for this matter to please sign the guest book so they can be notified for future meetings.

Commissioner McPherson said it looks like they have a lot more work to do. Commissioner Lane said she appreciates Planner Weisenburger encouraging the applicant to add some aesthetic details to the subdivision. Administrator Brungardt commented on the plat that has been presented and said there has been quite a bit of back and forth discussion with the developer. This is a good development for the area and both accesses are taken from Waverly. Commissioner Garrett asked about the runoff and the drainage plan. Discussion ensued concerning a storm water detention pond. Administrator Brungardt said he hasn't seen the revised calculations for the drainage impact. Commissioner McPherson said if the applicant has so much work to do, is this going to be ready for a public hearing next month. Can this hearing be put off until all the information has been received and reviewed? Discussion ensued.

Motion by Commissioner McPherson to table the Preliminary Plat for Arcadian Estates to the November Planning Commission meeting; second by Lane.

All Commissioners approved by "ayes."

Motion carried.

Commissioner Fisher said he will be out of town on November 27, 2018.

Commissioner Lane said she would like to review the Property Maintenance Code in the near future. Administrator Brungardt said the International Building Code update is coming up for review very soon and the Property Maintenance Code is contained within that. He will work with Building Official Chick and respond back to the Commissioners with that information.

Motion by Commissioner McPherson to adjourn at 6:52 p.m.; second by Lane.

All Commissioners approved by "ayes."

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk